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Filing date: **03/11/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212905
Party	Defendant OCC Establishment
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Submission	Motion to Suspend for Settlement Discussions
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Date	03/11/2016
Attachments	EMI v OCC - Motion to Suspend.pdf(13116 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 78/835,315

EMI (IP) LIMITED	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91212905
	)	
OCC ESTABLISHMENT,	)	
	)	
Applicant.	)	
	)	

-and-

In the matter of Registration No. 2,100,606

EMI (IP) LIMITED	)	
	)	
Petitioner,	)	
	)	
v.	)	Cancellation No. 92058236
	)	
OCC ESTABLISHMENT,	)	
	)	
Respondent.	)	
	)	

**MOTION FOR SUSPENSION FOR SETTLEMENT WITH CONSENT**

OCC Establishment hereby moves, with consent, to suspend the discovery and trial deadlines in this matter by sixty (60) days pursuant to 37 C.F.R. § 2.117 and T.B.M.P. § 510.

Pursuant to the Board's order of January 19, 2016, as good cause therefor, the parties state that they have actively been engaged in settlement discussions and provide the following detailed report. Specifically, counsel for OCC Establishment, Respondent, has received a counterproposal from EMI, which EMI had discussed both internally and with an unaffiliated entity, Sony Music Entertainment UK (which owns the NOW Marks within the European

Economic Area). In turn, OCC has taken EMI's counterproposals to its management for further consideration. OCC's management has reviewed the counterproposal and OCC expects to provide substantive commentary to EMI's counsel in the coming days. Given the scope of the counterproposal and the scope of the rights at issue, the parties seek more time to review and discuss the current proposal and counterproposal.

The parties have tentatively agreed on several outstanding issues and expect that continued negotiations will result in a final resolution of this dispute.

OCC Establishment has secured the express consent of all other parties to this proceeding for the suspension requested herein.

**Dates as Reset:**

<b>Time to Answer :</b>	CLOSED
<b>Deadline for Discovery Conference :</b>	CLOSED
<b>Discovery Opens :</b>	CLOSED
<b>Initial Disclosures Due :</b>	CLOSED
<b>Expert Disclosures Due :</b>	CLOSED
<b>Discovery Period to Close :</b>	May 13, 2016
<b>Plaintiff Pretrial Disclosures :</b>	June 27, 2016
<b>Plaintiff's 30-day Trial Period Ends :</b>	August 11, 2016
<b>Defendant's Pretrial Disclosures :</b>	August 26, 2016
<b>Defendant's 30-day Trial Period ends :</b>	October 10, 2016
<b>Plaintiff's Rebuttal Disclosures :</b>	October 25, 2016
<b>Plaintiff's 15-day Rebuttal Period Ends :</b>	November 24, 2016

Dated: March 11, 2016

Respectfully submitted,

OCC ESTABLISHMENT

By: /s/Christopher Weimer  
Christopher Weimer  
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*Attorneys for OCC ESTABLISHMENT*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Motion for Suspension for Settlement with Consent has been served by electronically transmitting said copy, with the consent of EMI (IP) Limited, on March 11, 2016, to:

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*s/Christopher Weimer/*

Christopher Weimer